REMARKS

The Examiner is thanked for the examination of the application, and for the suggestions for amending the application.

Restriction:

Applicants note that the Examiner has made final the restriction requirement. In order to expedite prosecution, the nonelected claims 7-10 have been canceled. Applicants reserve the right to file a divisional application directed to the nonelected subject matter.

Drawings:

The Examiner disapproved the drawings because they did not show changes in red ink. However, the reason the ink did not appear red is because the Examiner received a faxed copy of the proposed changes. The same drawing changes are filed with the Patent Office, accordingly, the Examiner is respectfully requested to withdraw the objection to the drawings.

Claim Objections:

In response to the Examiner's comments, claim 13 has been canceled and claim 17 has been amended.

Art Rejections:

Claims 1-6 and 11-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,713,881, hereinafter *Rezai*, in view of U.S. Patent No. 5,728,083, hereinafter *Cohen*. The Examiner alleges that *Rezai* discloses that the layers 71, 72 of the article are cross-linked together, referring to column 22, lines 45-62.

Although Applicants agree that the substrate layer 72 is disclosed as a cellulose foam layer, the layer 71 is clearly not a foam layer, or a cellulosic foam layer. *Rezai* specifically states in columns 23 and 24, wherein the different structures in Figures 1-6 are described, that layer 71 is composed of the absorbent macro-structure material. It is stated in column 11, lines 56-62, that the absorbent macro-structure optionally may comprise particles or granules of cellulose foam. However, this is significantly different than stating that the material layer is a foam material. It is clear from the specification that the main component or matrix of the layer is the absorbent macro-structure. In column 10, the specification clearly indicates that the absorbent macro-structure is a layer of absorbent gelling particles. In column 11, it states that the absorbent macro-structure layer can optionally comprise nonabsorbent gelling materials, such as nonabsorbent gelling fibers. And, at the bottom of column 11, line 56, it is stated that in another preferred embodiment, the absorbent macro-structure layer can optionally comprise cellulose foam particles or granules mixed with the absorbent gelling particles. In column 12, lines 20-24, it is indicated that the absorbent macro-structure typically comprises from about 50% to about 100%, preferably from about 70% to about 100%, and more preferably about 90% and more by weight of absorbent gelling particles. Accordingly, it is clear that the embodiment having some cellulosic foam could include at most 50% foam, and preferably has at most about 10% cellulosic foam. It is clear from the specification as a whole that the layer is essentially a layer of absorbent gelling particles, albeit one embodiment has some cellulosic foam mixed in. However, such a structure is not considered to be a layer of foam material. The main component or matrix of the layer is clearly the absorbent gelling

material. Accordingly, *Rezai* does not teach or suggest two foam layers, as required by claims 1 and 17.

With regard to the Examiner's allegation that the bonding agent would imply an integration of layers, Applicants strenuously traverse this position. First, the substrate layer and the absorbent macro-structure layer are two preformed layers of different composition and with a given shape and structure. The two preformed layers are applied on top of each other in a dry condition and then bonded together by means of a bonding agent, which may be a cross-linking agent creating chemical bonds between the layers. The cross-linking merely causes adjacent molecules of different layers to bond with each other. No integration of the layers can be achieved by this, wherein the layers partly penetrate into each other so that there will be no clear partitioning line between the layers. In contrast to the structure of *Rezai*, according to at least a preferred embodiment of the present invention, two foam layers are applied on top of each other while still not dry so that they partly penetrate into each other. *Rezai* clearly does not teach or suggest this structure.

With regard to pore sizes, the Examiner relies upon *Cohen*, which teaches bonding together different layers of material having different pore sizes. However, *Cohen* does not teach or suggest that the layers are foam. Accordingly, *Cohen* does not teach or suggest foam layers having different mean pore sizes. Furthermore, although *Cohen* discloses a multi-layered structure having different pore sizes in each layer, like in *Rezai*, the different layers in *Cohen* are preformed, dry web materials which are combined with each other, for example adhered or by an embossing pattern. See column 9, lines 31-40. Thus, the layers

are not integrated and penetrating into each other with no clear partitioning line therebetween, as claimed in the present invention. While *Cohen* discloses layers of different pore sizes, he does not disclose superimposed foam layers which are integrated with each other as claimed in the present application.

Accordingly, the present invention is different from the prior art in at least three significant ways.

(1) The prior art does not teach or suggest the claimed subject matter that includes two superimposed foam layers.

(2) The applied prior art does not teach or suggest two superimposed integrated layers which are partly penetrating into each other.

(3) The applied prior art does not teach or suggest *foam* layers having a pore size gradient between the layers.

Accordingly, in view of the foregoing distinctions, the Examiner is respectfully requested to reconsider and withdraw the rejections of the claims.

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejection.

Respectfully submitted,

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Date: 9-16-03

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